IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1104 OF 2004

Meena N. Mahida ... Petitioner

Vs.

Municipal Corproation of
Gr. Bombay and Ors. ... Respondents

None for Petitioner.

Mr. A.H. Pimpale for R. Nos. 1 and 2.

Mr. V.P. Sawant for R. Nos. 3 to 6.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : MAY 05, 2005

P.C.

. Respondent Nos. 4, 5 and 6 are minors. Respondent No. 7 is their mother. Their father has expired. In the light of that Respondent No. 7 is appointed as natural guardian for respondent Nos. 4 to 6.

. The Petitioner have sued through their natural guardian and mother Mrs. Pushpa Nanji Mahida. The consent terms on behalf of the Petitioners has been signed by Mrs. Pushpa as also by advocate for Petitioners, by Respondent No. 3 and Respondent No. 7 for herself and as legal guardian of Respondent Nos. 4 to 6. The Minutes of the order are taken on record and marked X for

identification.

. The Minutes of the order read as under :

1. The Petitioner No. 1 acting for herself and on behalf of the Petitioner Nos. 2 and 3 and the Respondent No. 7 for herself and on behalf of the Respondent Nos. 5 and 6 have decided to settle the dispute as to the appointment of the pension payable to the deceased Mr. Nanji Giga Mahida.

2. The Petitioners and the Respondent Nos. 3 to 7 have agreed and decided that the amount of pension payable to late Mr. Nanji Giga Mahida shall be shared equally by the Petitioners and the Respondent Nos. 3 to 7. The Respondent No. 7 agrees to pay half the amount of the pension received from the Respondent No. 1 to the Respondent No. 1 for and on behalf of Petitioner Nos. 2 to 3 within 7 days from the date of receipt of the monthly pension.

3. It is agreed and consented that the Respondent Nos. 3 to 7 alone shall be entitled to apply for any job that may be offered by the Respondent No. 1 Corporation on compassionate grounds as per the policy of the Respondent No. 1 Corporation.

4. The Respondent No. 1 shall consider the claim of the Respondents for appointment in service on compassionate grounds.

5. It is agreed and ordered that the Petitioners shall have no further claims against the Respondents Nos. 3 to 7 of whatsoever nature and relinquish all their rights against the Respondent Nos. 3 to 7.

6. In view of the arrangement as agreed and ordered, the Petition to stand disposed off with no order as to costs.

. Considering the Minutes of Order, Respondent Nos. 1 and 2 are directed to pay pension and grant appointment on companssionate basis if entitled to any of Respondents, as set out in the Minutes of the order are eligible.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)